



**STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
COOKEVILLE ENVIRONMENTAL FIELD OFFICE  
DIVISION OF WATER POLLUTION CONTROL  
1221 SOUTH WILLOW AVENUE  
COOKEVILLE, TN 38506**

PHONE 931-432-4015

STATEWIDE 1-888-891-8332

FAX 931-432-6952

December 29, 2009

Certified Mail

Return Receipt Requested

91 7108 2133 3937 2535 3371

Todd T. Claiborne  
American Sand Supply  
9130 Monterey Hwy.  
Monterey, TN 38574

**RE: Notice of Violation:  
American Sand Sites  
Monterey Highway, Putnam County  
NPDES Permit # TN0079901, TN0066249, TN0062910**

Dear Mr. Claiborne:

Personnel from the State of Tennessee Department of Environment and Conservation, Water Pollution Control (WPC) received a citizen's complaint concerning sediment loss from your mining sites on Hwy 70. A December 28, 2009 review of the site produced the following findings:

- Sediment loss was noted from the processing plant (TN0062910) into the ditchline at Hwy 70. In addition, silt fencing preventing sediment loss from the slopes was down and in need of maintenance.
- At the 40 acre site (TN0066249), the berm at sediment basin 002 appears to have breached and sediment loss is occurring from the mining site. Silt fencing in that area is down and allowing continued sediment loss. In addition, a window was noted in the berm at the rear of the property allowing sediment to escape the site. The rock filter berm called for in the SWPPP was not noted onsite. Clearing activities were taking place onsite.
- A berm at the west side of the Quarry No. 1 Site (TN0079901) has been breached and sediment has accumulated in the vicinity of a small tributary to the Jake Hollow. The window in the berm should be closed and the sand removed to a location where loss to state waters cannot occur.

This is a violation of the *State of Tennessee Clean Water Act of 1977*, T.C.A. 69-3-101 et seq. Specifically § 69-3-114 (a) which states:

**It shall be unlawful for any person to discharge any substance into waters of the state or to place or cause any substance to be placed in any location where such substances, either by themselves or in combination with others, cause any of the damages as defined in § 69-3-103 (22), unless such discharge shall be due to an unavoidable accident or unless such action has been properly authorized. Any such action is declared to be a public nuisance.**

**Required Action(s)**

- ✓ Please submit a response in writing to this office by January 8, 2010. This response should include an explanation of the activities and descriptions of the methods used to remedy the above-mentioned violations.

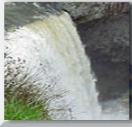
This letter shall serve as a **Notice of Violation** and in keeping with standard procedure, will by copy, notify the Division of Water Pollution Control's Enforcement and Compliance section. Violations of the Tennessee Water Quality Control Act and its related permits may subject you to civil penalties.

If you have any questions, you may contact me at (931) 432-4015 or by electronic mail at [rita.thompson@state.tn.us](mailto:rita.thompson@state.tn.us).

Respectfully,

Rita Thompson  
Division of Water Pollution Control  
Cookeville Environmental Field Office

cc: Cookeville Environmental Field Office File: Cannon County  
Mr. Patrick Parker - DWPC, Nashville Central Office – Enforcement and Compliance  
Mr. Rob Howard – DWPC Environmental Field Office Manager, Cookeville



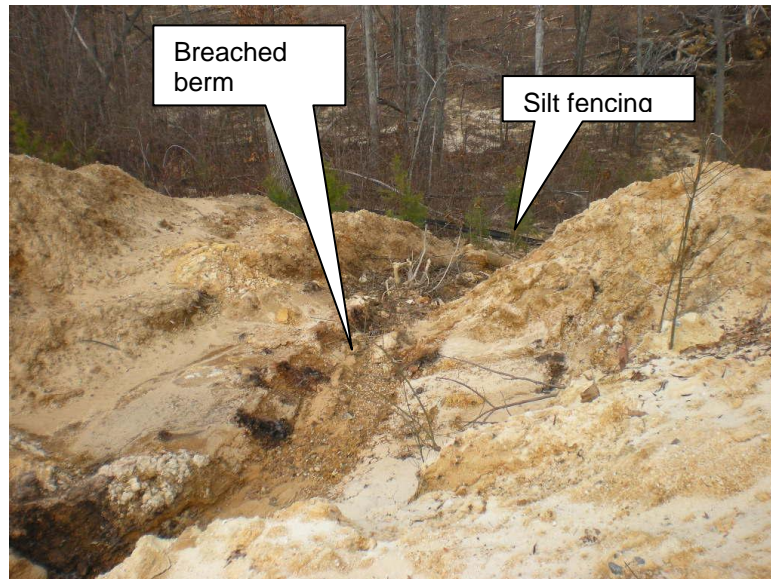
Tennessee Department of Environment  
and Conservation  
Division of

*Water Pollution Control*

**American Sand Supply  
Photo Documentation**  
Photos taken by WPC personnel Rita  
Thompson on December 28, 2009



**Photo 1 (TN0062910) – Silt fencing down in the vicinity of the processing plant. Sediment loss noted in ditchline adjacent to Hwy 70.**



**Photo 2 (TN0066249) - Berm breached at 40 acre site allowing sediment loss in the vicinity of sediment basin 002.**



**Photo 3 (TN0066249) – Silt fencing requires maintenance downslope of berm breach. Note sediment loss beyond silt fencing.**



**Photo 4 (TN0066249) – Sand loss continues down grade of the mining area.**



**Photo 5 (TN006249) – At the 40 acre site, a berm at the rear of the property has been breached and sediment loss is occurring offsite of the mining area.**



**Photo 6 (TN0079901) – Berm at Quarry No. 1 has been breached and sediment loss occurring downgradient of mining area.**



**Photo 7 (TN0079901) – Sand deposit from breached berm in the vicinity of a small tributary to the Jake Hollow.**